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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**THE LIONS CLUB OF ALBANY,
CALIFORNIA, A Nonprofit Corporation,**

Plaintiff,

v.

**THE CITY OF ALBANY, a Charter City; and
DOES 1 through 25;**

Defendants.

Case No 4:22-cv-05377 WHO

**[PROPOSED] ORDER GRANTING
MOTON FOR PRELIMINARY
INJUNCTION**

Plaintiffs' Motion for Preliminary Injunction came on for hearing before this Court on November 2, 2022, at 2:00 P.M. After consideration of the briefs and arguments of counsel, the evidence filed in support of and opposition to this motion, the Court finds that Plaintiffs have demonstrated both a likelihood of success on the merits and the possibility of irreparable harm should an injunction not issue. At minimum, this case raises serious questions of constitutional importance, the balance of equities tips sharply in Plaintiffs' favor and preliminary injunction is in the public interest. Accordingly, Plaintiffs are entitled to preliminary injunction to preserve the status quo pending resolution of this case on the merits, and the Court GRANTS Plaintiffs' motion

1 as follows:

2 1. The Court hereby preliminarily ENJOINS Defendants City of Albany California
3 and its officers, agents, servants, employees and all persons acting in concert or participation with
4 them from taking, removing, deconstructing, demolishing or otherwise injuring or interfering with
5 the structure known as the Cross on Albany Hill located on the east side of Albany Hill above Taft
6 Street in the City of Albany, pending resolution of the merits of this case or until further order of
7 this Court.

8 2. This preliminary injunction shall take effect immediately and shall remain in effect
9 pending resolution of the merits of this case or until further order of this Court.

10 **IT IS SO ORDERED.**

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12 Date: _____

13 Honorable Judge
14 United States District Court Judge
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